

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

BRENNAN M. GILMORE,

Plaintiff,

v.

ALEXANDER E. (ALEX) JONES, et al.,

Defendants.

No. 3:18-cv-00017-NKM-JCH

**PLAINTIFF’S NOTICE OF ACCEPTANCE OF RULE 68 OFFER OF JUDGMENT  
BY DEFENDANT JAMES HOFT**

Pursuant to Rule 68(a) of the Federal Rules of Civil Procedure, Plaintiff Brennan Gilmore (“Gilmore”), through his undersigned counsel, hereby provides notice that he has accepted a Rule 68 Offer of Judgment by Defendant James Hoft (“Hoft”). Attached hereto as **Exhibit A** is a copy of Defendant Hoft’s Rule 68 Offer of Judgment to Gilmore dated and served on April 4, 2022. Attached hereto as **Exhibit B** is a proposed form of judgment agreed-upon by the parties, and which the parties will file shortly with the Court for entry.

Dated: April 16, 2022

Respectfully submitted,

/s/ Hassen A. Sayeed

Hassen A. Sayeed, admitted *pro hac vice*

James Li, admitted *pro hac vice*

Chani Gatto-Bradshaw, admitted *pro hac vice*

O’MELVENY & MYERS LLP

Times Square Tower

7 Times Square

New York, New York 10036

Telephone: (212) 326-2000

Facsimile: (212) 326-2061

hsayeed@omm.com

jli@omm.com  
cgatto-bradshaw@omm.com

Jonathan Hacker, admitted *pro hac vice*  
Anwar L. Graves, admitted *pro hac vice*  
Kendall Collins, admitted *pro hac vice*  
Rahul Kohli, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
1625 Eye Street, N.W.  
Washington, DC 20006  
Telephone: (202) 383-5300  
Facsimile: (202) 383-5414  
agraves@omm.com  
jhacker@omm.com  
ksaied@omm.com  
rkohli@omm.com

Kimya Saied, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
Two Embarcadero Center  
28th Floor  
San Francisco, CA 94111-3823  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701

Aderson Francois, admitted *pro hac vice*  
CIVIL RIGHTS CLINIC  
GEORGETOWN UNIVERSITY LAW  
CENTER  
600 New Jersey Avenue, N.W.  
Washington, D.C. 20001  
Telephone: (202) 662-9065  
Aderson.Francois@georgetown.edu

Elizabeth B. Wydra, admitted *pro hac vice*  
Brianne J. Gorod, admitted *pro hac vice*  
CONSTITUTIONAL  
ACCOUNTABILITY  
CENTER  
1200 18th Street, N.W., Suite 501  
Washington, D.C. 20036  
Telephone: (202) 296-6889  
elizabeth@theusconstitution.org  
brianne@theusconstitution.org

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of April 2022, a copy of this Plaintiff's Notice Of Acceptance Of Rule 68 Offer Of Judgment By Defendant James Hoft and accompanying exhibits was served on the following counsel for James Hoft by email and U.S. first-class mail:

Timothy B. Hyland  
HYLAND LAW PLLC  
1818 Library Street, Suite 500  
Reston, VA 20190  
thyland@hylandpllc.com

Jonathan Burns  
Burns Law Firm  
P.O. Box 191250  
St. Louis, MO 63119  
john@burns-law-firm.com  
TBLF@PM.ME

/s/ Hassen A. Sayeed  
Hassen A. Sayeed

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

BRENNAN M. GILMORE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 3:18-cv-00017-NKM-JCH
	)	
ALEXANDER JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**OFFER OF JUDGMENT**

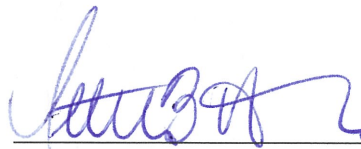
Pursuant to Fed. R. Civ. P. 68, defendant James (“Jim”) Hoft (“Mr. Hoft”) hereby offers to allow judgment to be entered against Mr. Hoft in this action in the amount of \$50,000.00, inclusive of costs and attorneys’ fees. This offer relates to and, if accepted, would dispose of all claims in this action against, Mr. Hoft.

This offer is unconditional. This judgment shall be in full satisfaction of all federal and state law claims or rights that Plaintiff may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Mr. Hoft, or any official, employee, related entities, or agent, either past or present, of Mr. Hoft, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.

This offer of judgment is made for the purposes specified in Fed. R. Civ. P. 68, and it is not to be construed as either an admission that Mr. Hoft is liable in this action, nor that plaintiff has suffered any damage. This offer of judgment shall not be filed with the Court unless (a) accepted or (b) in a proceeding to determine costs.

Acceptance of this offer of judgment will act to release and discharge Mr. Hoft, his successors and/or assigns, and all past and present officials, employees, representatives, related entities, and agents of Mr. Hoft from all claims that were or could have been alleged by Plaintiff in the above-referenced action.

Mr. Hoft makes this offer more than 14 days before the date set for trial in accordance with Fed. R. Civ. P. 68(a). This offer of judgment will remain open and irrevocable for 14 days after service in accordance with Fed. R. Civ. P. 68(a). If Plaintiff does not accept within 14 days after service, the offer is considered withdrawn in accordance with Fed. R. Civ. P. 68(b).



---

Timothy B. Hyland  
VSB No. 31163  
Counsel for Defendant James ("Jim") Hoft  
HYLAND LAW PLLC  
1818 Library Street, Suite 500  
Reston, VA 20190  
(703) 956-3566 (Tel.)  
(703) 935-0349 (Fax)  
thyland@hylandpllc.com

## CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of April, 2022, true copies of the foregoing were sent by email and first-class mail to:

Jonathan Hacker, Esquire  
D. Sean Trainor, Esquire  
Anwar L. Graves, Esquire  
Rahul Kohli, Esquire  
Kendall Collins, Esquire  
O'MELVENY & MYERS LLP  
1625 Eye Street, N.W.  
Washington, DC 20006

Hassan A. Sayeed, Esquire  
Chani C. Gatto-Bradshaw, Esquire  
James Yi Li, Esquire  
O'MELVENY & MYERS LLP  
Times Square Tower 7  
Times Square  
New York, NY 10036

Kimya Saied, Esquire  
O'MELVENY & MYERS LLP  
Two Embarcadero Center, 28th Floor  
San Francisco, CA 94111-3823

Aderson Francois, Esquire  
Civil Rights Clinic  
GEORGETOWN UNIVERSITY LAW CENTER  
600 New Jersey Avenue, N.W.  
Washington, DC 20001

Elizabeth B. Wydra, Esquire  
Brianne J. Gorod, Esquire  
CONSTITUTIONAL ACCOUNTABILITY CENTER  
1200 18th Street, N.W., Suite 501  
Washington, DC 20036

Jonathon Burns, Esquire  
BURNS LAW FIRM  
P.O. Box 191250  
St. Louis, MO 63119



---

Timothy B. Hyland  
VSB No. 31163  
Counsel for Defendant James ("Jim") Hoft  
HYLAND LAW PLLC  
1818 Library Street, Suite 500  
Reston, VA 20190  
(703) 956-3566 (Tel.)  
(703) 935-0349 (Fax)  
thyland@hylandpllc.com



# **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

BRENNAN M. GILMORE,

Plaintiff,

v.

ALEXANDER E. (ALEX) JONES, et al.,

Defendants.

No. 3:18-cv-00017-NKM-JCH

**[PROPOSED] ORDER OF JUDGMENT**

WHEREAS, Plaintiff Brennan Gilmore (“Gilmore”) has accepted the offer of judgment made by Defendant James “Jim” Hoft (“Hoft”) pursuant to Fed R. Civ. P. 68, the terms of which offer of judgment are incorporated herein by reference, it is hereby ORDERED:

1. Judgment is to be entered against Hoft in this action in the sum of \$50,000, inclusive of costs and attorneys’ fees.
2. This judgment shall be in satisfaction of all federal and state law claims or rights that Gilmore may have to damages, or any other form of relief, arising out of the alleged acts or omissions of Hoft, or any official, employee, related entities, or agent, either past or present, of Hoft, or any agency thereof, in connection with the facts and circumstances that are the subject of this action.
3. Hoft, his successors and/or assigns, and all past and present officials, employees, representatives, related entities, and agents of Hoft are hereby released from all claims that were or could have been alleged by Gilmore in the above-referenced action.

/s/

Jonathan Hacker, admitted *pro hac vice*  
D. Sean Trainor, (VSB #43260)  
Anwar L. Graves, admitted *pro hac vice*  
Rahul Kohli, admitted *pro hac vice*  
Kendall Collins, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
1625 Eye Street, N.W.  
Washington, D.C. 20006  
Telephone: (202) 383-5300  
Facsimile: (202) 383-5414  
jhacker@omm.com  
dstrainor@omm.com  
agraves@omm.com  
rkohli@omm.com  
kcollins@omm.com

Hassen A. Sayeed, admitted *pro hac vice*  
Chani C. Gatto-Bradshaw, admitted *pro hac vice*  
James Yi Li, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
Times Square Tower 7  
Times Square  
New York, New York 10036  
Telephone: (212) 326-2000  
Facsimile: (212) 326-2061  
hsayeed@omm.com  
cgatto-bradshaw@omm.com  
jli@omm.com

Kimya Saied, admitted *pro hac vice*  
O'MELVENY & MYERS LLP  
Two Embarcadero Center  
28th Floor  
San Francisco, CA 94111-3823  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701  
ksaied@omm.com

Aderson Francois, admitted *pro hac vice*  
CIVIL RIGHTS CLINIC GEORGETOWN  
UNIVERSITY LAW CENTER  
600 New Jersey Avenue, N.W.  
Washington, D.C. 20001

/s/

Timothy B. Hyland  
Virginia Bar No. 31163  
HYLAND LAW PLLC  
1818 Library Street, Ste. 500  
Reston, VA 20190  
(703) 956-3548 (Tel.)  
(703) 935-0349 (Fax)

John C. Burns, admitted *pro hac vice*  
BURNS LAW FIRM  
P.O. Box 191250  
St. Louis, MO 63119  
Tel: (314) 329-5040  
Fax: (314) 282-8136  
TBLF@PM.ME

*Attorneys for Defendant Jim Hoft*

Telephone: (202) 662-9065  
Aderson.Francois@georgetown.edu

Elizabeth B. Wydra, admitted *pro hac vice*  
Brianne J. Gorod, admitted *pro hac vice*  
CONSTITUTIONAL ACCOUNTABILITY  
CENTER  
1200 18th Street, N.W., Suite 501  
Washington, D.C. 20036  
Telephone: (202) 296-6889  
elizabeth@theusconstitution.org  
brianne@theusconstitution.org

*Attorneys for Plaintiff*

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

---

NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of April 2022, a copy of the foregoing document was served on all parties via the Court's Electronic Case Filing system, and separately sent via electronic mail to Mr. Lee Stranahan and Mr. R. Scott Creighton.

/s/ Hassen A. Sayeed  
Hassen A. Sayeed